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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,707	08/06/2001	Tetsuro Motoyama	208695US-2	8762
22850	7590	03/08/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			GEREZGIHER, YEMANE M	
			ART UNIT	PAPER NUMBER
			2144	

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,707

Applicant(s)

MOTOYAMA, TETSURO

Examiner

Yemane M Gerezgiher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 06 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11,06,2001 10,22,2002 04,13,2003 04,19,2004 10,20,2004
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This application has been examined. Claims 1-33 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 9-20, 24-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Humpleman** et al. (U.S. Patent Number 6,546,419) hereinafter referred to as **Humpleman** in view of **Roy** et al. (U.S. Patent Number 6,496,859) hereinafter referred to as **Roy**.

As per claims 1, 2, 16, 17, 31 and 33, **Humpleman** disclosed a method, a system and computer program (since the invention is executed or implemented in a computer system, a computer program residing in a computer readable medium is inherent) for monitoring and controlling home network comprising multiple electronic devices using a client device ("control device") having therein a graphical user interface displayed icons representing the manageable or controllable network devices and controlling operations of the controlled electronic devices to perform a desired function. See ABSTRACT. Both the teachings of **Humpleman** and the inventive entity addressed the

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drawback of a remote control to control electronic devices in a LAN (such as a home network). The inventive entity recites:

...devices that do have remote control such as televisions, VCRs, and ceiling fans have traditionally used an infrared transceiver on the remote control device and the device to be controlled. However, **such control devices require line of sight infrared communications, which is not suitable for controlling wireless network devices that are scattered throughout various rooms of a household or office.** See Applicant's Disclosure Page 2 Lines 19-23.

Likewise, Humpleman discussed similar weaknesses about the use of a general remote control in controlling electronic devices in a home LAN.

Humpleman disclosed:

One drawback associated with using the remote control unit to command and control home devices is that it provides static and command logic for controlling and commanding each home device. Therefore, a particular remote control unit can only control and command those home devices for which it includes the necessary control and command logic ... Further, **typically a remote control unit can only be used to command and control those home devices that are within the signal range of the remote control unit. Therefore, a user cannot use the remote control unit from a single location in the**

house to control and command home devices that are interconnected, but located in separate areas of the home. For example, a VCR that is located upstairs in a bedroom may be connected to a TV that is downstairs in the family room. If a user wishes to play a tape contained in the VCR located upstairs in the bedroom, on the TV located downstairs in the family room, the user cannot control and command both the TV and the VCR from a single location.

In solving such a common problem, **Humpleman** discussed a method and system of managing and controlling electronic devices in a home LAN using a control device. **Humpleman** discussed sending a control request and command to the monitored electronic devices according to their compatibility by identifying the protocol usage of the devices connected in to the network. See Column 2 Line 51 through Column 3 Line 29 and Column 27 Line 49 through Column 28 Line 38. **Humpleman** taught monitoring and controlling electronic devices interconnected through IEEE 1394 for sending and receiving control and management instructions in the home network. See Fig. 4, Column 4 Lines 41-64, Column 5 Lines 5-32 and Column 6 Lines 8-60. **Humpleman** further disclosed a session manager including a software agent for accessing and displaying available home electronic devices in order to selectively manage and control the home appliances. See Column 9 Lines 3-65, Column 11 Lines 50-67 and Column 21 Line 23 through Column 24 Line 37 (Different interface definitions for implementing multiple functions in monitoring and controlling

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the electronic devices in the Home LAN). Among the many definitions,

Humpleman recited a “step ahead” functional limitation as follows:

‘appliances’, provides interfaces for kitchen, utility and general home appliances, including, for example, providing remote control or monitoring temperature settings or other controls and parameters from a controller device. In one scenario, a microwave appliance can scan bar code information on the packaging of a food item and access a manufacturer database to obtain cooking time of the food for a given microwave system type. Such integration of appliances using device to device command and control provides many control scenarios for providing services such as automatically pausing a dishwasher and muting a TV when a phone is picked up in the kitchen or family room.

‘convenience’, provides interfaces to devices for providing convenience services such as interface to a curtain, window, blinds or whirlpool controllers. See Column 22 Line 58 through Column 23 Line 6.

Humpleman further disclosed a mechanism (that connect two dissimilar protocol networks by translating one data flow of a protocol to another data flow of a protocol) for translating messages from one protocol to another when a control managing the manageable devices which some run a different communication protocol than the control device managing and controlling the electronic devices (claims 5 and 20). See Column 24 Lines 65-66, Column 26 Lines 15-66 and Column 27 Lines 4-32. **Humpleman** substantially disclosed

the invention as claimed. However, failed to teach a wireless LAN (broadcasting a wireless “menu request” from the control device to the electronic devices and receiving a “wireless menu response” from the electronic devices connected to the wireless LAN). As evidenced by the teachings of **Roy**, broadcasting a request to network devices connected to a network according to the request protocol such as HTTP request (Claims 3 and 18, See ABSTRACT) and receiving a response from the devices that recognize the protocol and communicating using the specific protocol (claims 4 and 19). See ABSTRACT, Fig. 1, Column 2 Lines 14-62. **Roy** further disclosed receiving multiple responses from the electronic devices connected to the network and displaying the list of electronic devices in HTTP client according to a predetermined order, displaying a text list of the electronic devices including other options allowing a user to select a device and perform a function accordingly (Claims 9-15 and 25-30). See Fig. 1, Fig. 7, Column 2 Lines 26-50, Column 3 Lines 27-50 and Column 5 Line 60 through Column 6 Line 11.

Thus, it is respectfully submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the teachings of **Roy** related to discovering electronic devices by broadcasting a protocol request and receiving a response from the devices that are compatible to the communicated protocol and further commonly known the expediency of a wireless LAN and have modified the teachings of **Humpleman** related to managing and controlling electronic devices in a Home Network (home LAN), in

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order to “provide a faster and more exhaustive search which supplements the basic UDP broadcast and responses in order to reliably receive response packets from network agents or devices, and to uniquely identify those devices without relying on their IP address” (See **Roy** Column 2 Lines 6-11) and further take the commonly known WLAN (wireless LAN) and have modified the already combined teachings of **Roy** and **Humpleman**, because a wireless LAN provides mobility with in the enterprise providing a flexibility for frequent reorganization and reducing costs associated with network infrastructures.

4. Claims 6-8 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Humpleman** et al. (U.S. Patent Number 6,546,419) in view of **Roy** et al. (U.S. Patent Number 6,496,859) as applied to claims 1, 16 and 31 and further in view of **Hansen** et al (US 20020090966 A1).

The already combined teachings as applied above, substantially disclosed the invention as claimed. However, were silent about transmitting message at a predetermined transmit power, adjusting the predetermined transmit power, determining a signal strength and setting the transmit power of a control device according to the signal strength determined.

As evidenced by the teachings of **Hansen**, transmitting message at a predetermined transmit power, adjusting the predetermined transmit power, determining a signal strength and setting the transmit power of a control device according to the signal strength determined was known in the art at the

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time the invention was made. See Figures 9-12, Title, Abstract, Paragraphs [0019], [0027], [0031], Page 7 Claim 8 and Page 10 Claim 21.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the teachings of **Hansen** related to transmitting information using a predetermined transmit power, determining the signal strength of the transmit power, adjusting the predetermined transmit power and setting the transmit power in accordance to the signal strength and have modified the already combined teachings of **Humpleman** and **Roy** in order "to improve power efficiency, to reduce interference, and/or to meet regulatory requirements." See Page 1, Paragraph [0006].


Conclusion

5. The prior art made of record (See Form PTO-892) and not relied upon is considered pertinent to Applicant's disclosure.

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Yemane Gerezgiher whose telephone number is (571) 272-3927. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful. The examiner's supervisor, William Cuchlinski, can be reached at (571) 272-3925.

Yemane M. Gerezgiher
Patent Examiner
TC 2100, AU 2144


WILLIAM A. CUCHLINSKI, JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2000